

# EXHIBIT C

9/19/2024

Richard Kadrey, et al. v. Meta Platforms, Inc. Todor Mihaylov, Ph.D.  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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IN RE MATTER OF:	)
RICHARD KADREY, et al.,	)
Plaintiff,	)
vs.	) C.A. NO.:
META PLATFORMS, INC.,	) 3:23-cv-03417-VC
Defendant.	)
	)

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UNDER THE PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF TODOR MIHAYLOV, Ph.D.

Palo Alto, California

Thursday, September 19, 2024

Stenographically Reported by:

HEATHER J. BAUTISTA, CSR, CRR, RPR, CLR

Realtime Systems Administrator

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1 A. Some version of it, some version of it  
2 might be used.

3 MS. POUEYMIROU: Okay.

4 It's 12:30. I was going to move into a  
5 document that's going to take a while, so would you  
6 like to break for lunch?

7 MR. WEINSTEIN: Sure, why not. Makes  
8 sense.

9 MS. POUEYMIROU: Yeah.

10 THE VIDEOGRAPHER: Okay.

11 We are off the record at 12:34.

12 (Lunch recess from 12:34 p.m. to 1:22 p.m.)

13 THE VIDEOGRAPHER: We are now on the record  
14 at 1:22.

15 Q. (By Ms. Poueymirou) Good afternoon,  
16 Mr. Mihaylov.

17 I just want to confirm that during lunch  
18 you did not discuss your testimony or documents with  
19 counsel?

20 A. No.

21 MS. POUEYMIROU: So we're going to turn to  
22 a document we'll mark as -- is it Exhibit 26?

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1 MR. CERA: Yes.

2 (Mihaylov Exhibit 26 was marked for  
3 identification.)

4 Q. (By Ms. Poueymirou) Are you familiar with  
5 this document?

6 A. I have seen the title of the document, I  
7 think, at some point.

8 Q. Okay.

9 No reason to doubt it was made within the  
10 ordinary course of business; it was made at Meta?

11 A. It was probably made at Meta, yes.

12 Q. Okay.

13 And the author is?

14 A. Seems it's Nikolay.

15 Q. Okay.

16 Why don't you take a little bit of time to  
17 familiarize yourself with it.

18 A. Okay.

19 Is there something in particular --

20 Q. Yeah. No, there are -- there a lot of  
21 things in particular. I just wanted you to -- if  
22 you needed time to look at it, but we can start.

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1           So you said you think you've seen this  
2 document before?

3           A.    I probably have seen a version of it at  
4 some point.

5           Q.    Why do you say that?

6           A.    Because it seems like -- it's, like, a  
7 hundred pages and sometimes you'll get, like, a link  
8 to it --

9           Q.    Um-hum.

10          A.    -- so this is probably from Google Docs.  
11 And it has bookmarks. And then someone can share a  
12 bookmark to a document and you, like, look at some  
13 part of it --

14          Q.    Um-hum.

15          A.    -- and I don't know if it's the same  
16 document, but maybe I have seen this.

17          Q.    Okay.

18                Your name is actually at the back of it --

19          A.    Okay.

20                Yeah, so --

21          Q.    -- so we can go to those parts.

22          A.    Yeah, sounds good.

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1 these, it seems that they are assumed reported parts  
2 of LibGen that being reported as fiction and  
3 SciTech.

4 Q. (By Ms. Poueymirou) Um-hum.

5 A. I don't know if someone verified if it has  
6 these.

7 Q. Okay.

8 And then you have this: Examples of  
9 filtered data and you have the same words that we  
10 just looked at --

11 A. Okay.

12 Q. -- "repetition, PII, and copyright."

13 Do you see that? Copyright is on the third  
14 page, so --

15 A. Okay.

16 Q. -- am I supposed to take from that where it  
17 says, "We removed 1 percent and .67 percent of total  
18 characters from fiction and SciTech," and then it  
19 says, "Repetition, PII, copyright," is -- are we  
20 looking at visual representations of what's being  
21 removed here?

22 MR. WEINSTEIN: Object to form.

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1 THE WITNESS: It's -- my guess. That would  
2 be my guess.

3 Q. (By Ms. Poueymirou) Okay.

4 A. I don't know.

5 Q. And so what's being removed in the  
6 copyright section?

7 A. I don't know.

8 Q. Does it look like ISBN numbers?

9 A. It says that it might be ISBN numbers.

10 Q. Okay.

11 When you just jump down to the November  
12 17th, 2023, and these are obviously going in maybe  
13 reverse chrono, it says, "There are new" --

14 (Stenographer clarification.)

15 Q. (By Ms. Poueymirou) "There are few  
16 improvements we can make to LibGen after the manual  
17 inspection of the data sets," and you go one, two,  
18 three, four, the fifth bullet point, "Remove rows  
19 containing copyright in the first and last 25  
20 percent of the book. Rows containing any of these  
21 words 'ISBN, copyright, copyright signal, all rights  
22 reserved, and DOI.'"

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1 What do you take that to mean?

2 MR. WEINSTEIN: Object to form.

3 THE WITNESS: So I can only interpret,

4 like, what is written here; that it is removing

5 codes that are containing copyright in the first or

6 the last 20 percent -- 25 percent of the book.

7 Q. (By Ms. Poueymirou) Did -- did you ever

8 process data and remove copyright from data when you

9 were preparing data?

10 A. I personally, no.

11 Q. Do you know folks that did and, if so, who?

12 A. Yeah, so it seems that Nikolay did that if

13 he is now the author of the document.

14 Q. Do you have any idea why Meta would want

15 copyright removed from books?

16 A. I don't know.

17 Q. Do you know how copyright would have been

18 removed from books?

19 MR. WEINSTEIN: Object to form.

20 THE WITNESS: I mean, I can guess what is

21 written here.

22 Q. (By Ms. Poueymirou) Yeah.



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1 mentioned, but, like as I said, these are, like, 400  
2 pages on different topics.

3 Q. Yeah.

4 And so when we first started talking about  
5 this topic, you said you recognized it; you knew the  
6 author; and you're quoted at the bottom on different  
7 aspects. So for anything you don't feel like you  
8 understand, you can state that and you have stated  
9 it.

10 I asked you about ablations. They've  
11 actually put you forth as the corporate designee on  
12 ablations, so I was asking you about ablations that  
13 involved LibGen.

14 A. Yes.

15 Q. So whatever you don't feel comfortable  
16 answering or it's outside of your frame of  
17 knowledge, it's fine doing what you're doing which  
18 is saying, "I'm not sure."

19 A. Okay.

20 Q. So -- so if we were to characterize this  
21 document, what was the purpose of -- this is a --  
22 this is a long document, as you just stated, that's

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1 going through copyright removal of books and scripts  
2 that do that and different uses of LibGen.

3 A. Um-hum.

4 Q. What is the purpose of this document?

5 MR. WEINSTEIN: Same objection.

6 THE WITNESS: So in general when we have a  
7 document like this, which has the dates in reverse  
8 order --

9 Q. (By Ms. Poueymirou) Um-hum.

10 A. -- it's a logbook of what has been tried on  
11 something. So it seems that -- this seems like a  
12 logbook that Nikolay used to discuss things that  
13 have been tried.

14 Q. And do you know which LLaMA this was being  
15 tried in relation to?

16 A. I don't know, actually, which. I'm not  
17 very good with dates.

18 So generally we just work towards the LLaMA  
19 family in general and we try things. If -- if it  
20 made it -- if this is before LLaMA 3, it might be  
21 for LLaMA 3 and after, like, LLaMA 2. I don't know.

22 Q. Okay.

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1 I, HEATHER J. BAUTISTA, CSR No. 11600,

2 Certified Shorthand Reporter, certify:

3 That the foregoing proceedings were taken  
4 before me at the time and place therein set forth,  
5 at which time the witness declared under penalty of  
6 perjury; that the testimony of the witness and all  
7 objections made at the time of the examination were  
8 recorded stenographically by me and were thereafter  
9 transcribed under my direction and supervision; that  
10 the foregoing is a full, true, and correct  
11 transcript of my shorthand notes so taken and of the  
12 testimony so given;

13 (XX) Reading and signing was not requested/offered.

14 I further certify that I am not financially  
15 interested in the action, and I am not a relative or  
16 employee of any attorney of the parties, nor of any  
17 of the parties.

18 I declare under penalty of perjury under the  
19 laws of California that the foregoing is true and  
correct. Dated: September 23, 2024

20

21

22

  
HEATHER J. BAUTISTA, CSR, CRR, RPR, CLR